

## 7.42 Checklist 2: Guilty Plea

- ☐1. Advise probationer that by pleading guilty he or she is giving up the right to a contested hearing.
- ☐2. Advise probationer of the right to counsel and the right to appointed counsel if probationer is indigent.
- ☐3. If probationer is unrepresented, advise probationer that by pleading guilty he or she is giving up the right to counsel.
  - ☐Ask probationer to affirm that he or she does not want an attorney's assistance.
- ☐4. Advise probationer of the alleged probation violation(s).
- ☐5. Advise probationer of the maximum possible jail or prison sentence for the offense that led to probation.
- ☐6. Ask probationer how he or she pleads:
  - ☐guilty
  - ☐no contest

***Begin here if guilty plea immediately follows arraignment.***

- ☐7. Establish on the record factual support for finding that the probationer is guilty of a charged violation.
- ☐8. Determine and state for the record that the plea is understandingly, voluntarily, and knowingly made.
- ☐9. Accept or reject the plea.
- ☐10. If plea is accepted, schedule a date for sentencing or proceed to sentencing if in possession of an updated presentence report.
  - ☐Unless it is certain that a prison sentence will not be imposed, refer probationer to probation department for preparation of updated presentence report.
- ☐11. Set, continue, or deny bail, as appropriate.